

ZASTROW EXHIBIT 5

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UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

- - - - -
LEMOND CYCLING, INC.,

Plaintiff,

v.

Case No. 08-1010

TREK BICYCLE CORPORATION,

Defendant/Third-Party Plaintiff

v.

GREG LEMOND,

Third-Party Defendant,

Defendant.
- - - - -

Deposition of AARON MOCK

May 12, 2009

9:30 a.m.

at

Gass Weber & Mullins, LLC

309 North Water Street

Milwaukee, Wisconsin

Reported by David J. Sikora, RPR, RMR, CRR

1 honest, we supplied a fractional portion of what we
2 would have supplied under the LeMond.

3 **Q What did you do to spec the piece?**

4 A So, you know, especially -- it doesn't --
5 specification process doesn't so much change. In
6 other words, it's, you know, what price point of
7 bike do you want to hit. You know, you spec -- we
8 developed -- one of the examples, I think, you have
9 to remember in here is, we develop a lot of things
10 that aren't for Trek or LeMond, specifically. So
11 there's a lot of new components that come out every
12 year that are used across the brands. We own a
13 company called Bontrager. So there are new
14 handlebars, there are new saddles, there are new
15 stems, there are new wheels, there are new -- we
16 developed a whole new carbon fork with a thing
17 called a SpeedTrap sensor in it. We obviously had
18 to spec all of those things. We had to spec all the
19 drive train components. We had to -- obviously,
20 you're not going to have LeMond colors and graphics
21 on a Fisher bike. The bikes look extremely
22 different than what a LeMond does. I think anybody
23 walking into the store, an average consumer, you
24 know, there would never be any question in their
25 mind of -- you asked for differentiation -- that it

1 would be extremely difficult for someone to look at
2 a Fisher, and say, oh my gosh, that's a LeMond. I
3 just can't see it that way. I don't know if that
4 could happen.

5 **Q You're speaking from the appearance of the bike.**

6 A Yeah.

7 **Q Are there any other ways that the Fisher bike is**
8 **different from a comparable level of LeMond bike?**

9 A You mean other than the specification, the forks,
10 the -- I mean what --

11 **Q Well, other than what I'd see coming in -- the**
12 **visuals. I mean you focused on there's the paint,**
13 **they look really different. If I came in, I**
14 **wouldn't confuse them by appearance.**

15 A You wouldn't confuse them by appearance, but you
16 also aren't, you know, there's new specifications.
17 Two thousand nine model year is a new year. There's
18 new product specced on those bikes. So, you know,
19 would you, as the consumer, understand some of the
20 intricacies of a new carbon fork from Bontrager?
21 I'm not sure. That's not as dramatic as the paint,
22 so that's why I used the paint example with you.
23 But there are significant differences between the
24 functional physical products.

25 **Q What are the significant differences between the**

1 Q Could you --

2 A -- to what was planned.

3 Q Could you, just for the record, and for me to
4 follow, what's the Bates Number at the page you're
5 looking at right there?

6 A Bates Number is 013850.

7 Q Okay. Go ahead.

8 A So I think one of the pieces you have to take into
9 context, right, is what you're looking at here is a
10 planned 2009 model line. A dealer, a consumer, has
11 never seen any of this. Right? So they don't
12 understand, they don't know that there are
13 differences in a LeMond line or a Fisher line. So
14 if you only look at this, you will see that the new
15 Bontrager fork that's on the current Fisher bike is
16 this fork. Because it never existed on a LeMond
17 model other than on this. So in 2008, that was not
18 the fork. So if you have a in-the-marketplace
19 LeMond bike, and you compare the in-the-marketplace
20 Fisher bike, there are significant differences. If
21 you look at this planning document versus the
22 in-the-marketplace Fisher bikes, they're similar.
23 Right? But this product never existed.

24 Q Okay.

25 A Do you understand what I'm saying?